

# SMART Act Presentation to the Joint Judiciary Committee

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Chief Justice Brian D. Boatright

State Court Administrator Steven  
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# Overview

About Judicial

Changes in Courts

Performance measures: Courts

Performance measures: Probation

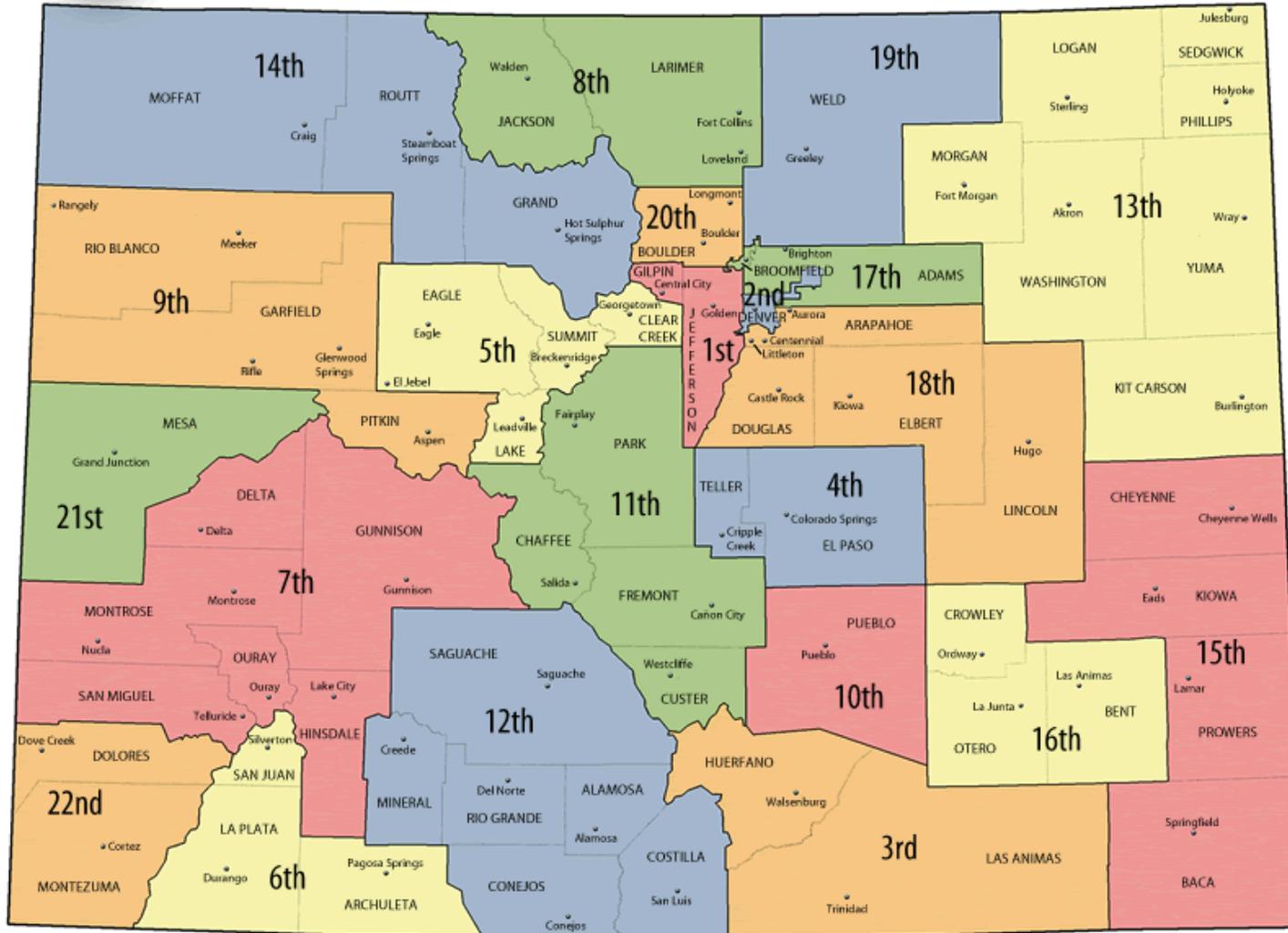
Budget Request

Legislative Agenda

Other reporting requirements



# COLORADO JUDICIAL DISTRICTS



By the numbers

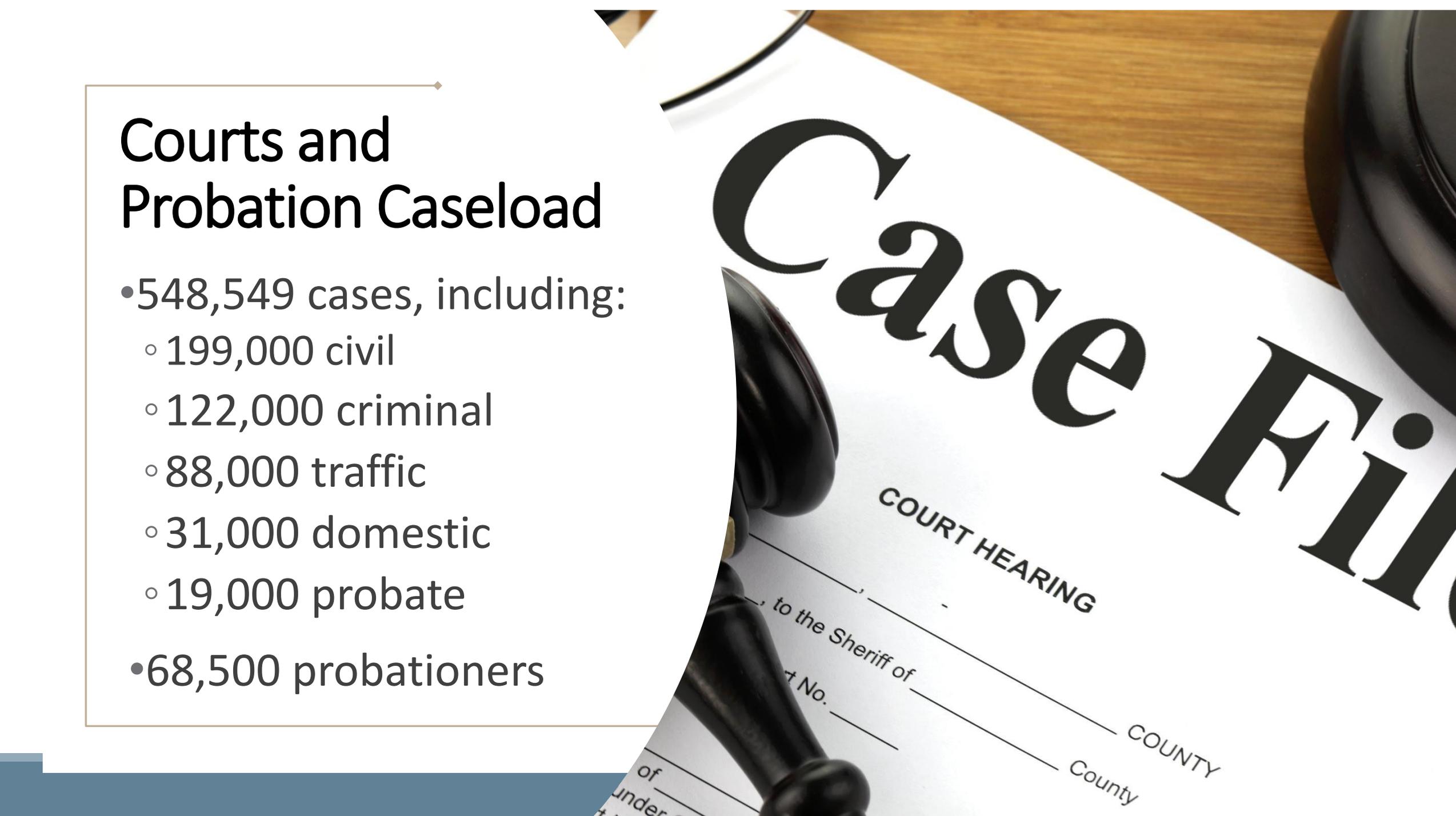
- 22 districts
- 64 counties
- 4,063 staff
- 337 judges

# Diversifying Colorado's Bench

	Judges 2018	Judges 2022	Colorado Population
American Indian/ Alaska Native	0%	0.3%	0.6%
Asian	1%	1.8%	3.5%
Black/ African American	1%	4.2%	4.1%
Hispanic/ Latino	9%	9.6%	22%
White, not Hispanic or Latino	89%	83.2%	67.3%
Two or more races	N/A	0.9%	2.4%

# Courts and Probation Caseload

- 548,549 cases, including:
  - 199,000 civil
  - 122,000 criminal
  - 88,000 traffic
  - 31,000 domestic
  - 19,000 probate
- 68,500 probationers



Case File

COURT HEARING

to the Sheriff of \_\_\_\_\_ COUNTY

\_\_\_\_\_ County

# Changes in Courts



Restricted sole-source contracting; strengthened fiscal controls



Amended policies on administrative leave



Amended ethical rules regarding harassment



Discontinued use of non-disclosure agreements in 2019

## Administrative changes



Proposed constitutional amendment and statutory changes strengthen transparency, accountability, and due process



Rule 41 under adopted by the Court, mirrors legislative proposal, fills a necessary gap

# Judicial Discipline



Emerging from pandemic, forever changed

Recording of this hearing or live stream is prohibited.

Violation may constitute contempt of court and result in a fine of up to \$500 and a jail term of up to 180 days.

Judicial District Court



Survived the Cat Phase



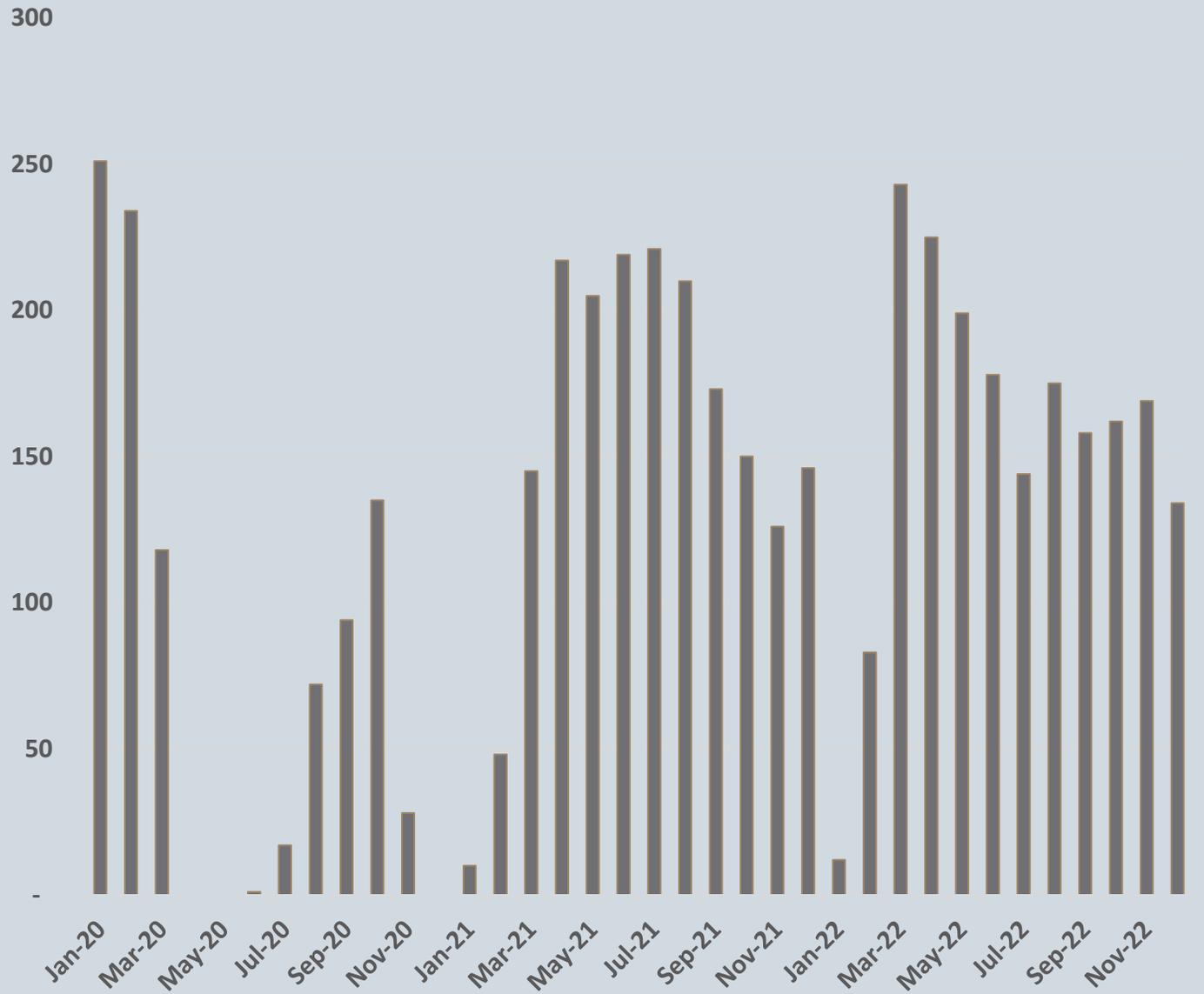
## Standardizing Quality Virtual Hearings

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- Upgrading technology in every courtroom
- A committee studying how we might standardize practices
- Exploring livestreaming, starting with criminal proceedings
- Exploring statewide standards for virtual participation in court business

# Performance Measures: Courts

# Jury trials conducted in COVID era



# Covid Continuance

- HB21-1309
- Allowed courts to delay criminal trials, up to 6 months out of custody, 3 months in-custody
- Courts could use these through April 2022
- 262 continuances ordered statewide
  - 143 of those were misdemeanor

Type	Target	2022
Civil <i>(cases closed less than 1 year)</i>	90%	81.1%
Criminal <i>(cases closed less than 1 year)</i>	95%	91.1%
Domestic <i>(cases closed less than 1 year)</i>	95%	93.4%
Juvenile Delinquency <i>(cases closed less than 1 year)</i>	95%	95.0%
D&N <i>(cases closed less than 18 months)</i>	95%	94.5%
Expedited Permanent Placement <i>(cases closed less than 1 year)</i>	90%	88.7%

## District Court time standards

Type	Target	2022
Civil <i>(cases closed less than 6 months)</i>	95%	92.6%
Misdemeanor <i>(cases closed less than 6 months)</i>	90%	79.8%
Small Claims <i>(cases closed less than 6 months)</i>	99%	94.1%
Traffic <i>(cases closed less than 6 months)</i>	95%	85.1%
DUI <i>(cases closed less than 7 months)</i>	80%	78.7%

## County Court time standards

# Court user survey

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- Revamping program
- Pilot program suggests we will receive five times as many responses annually as we used to get pre-COVID in the previous Access and Fairness survey
- The pilot locations averaged a 4 out of 5 rating on both procedural fairness and service quality measures.
- 72% of respondents said they trust or somewhat trust the courts to handle business they may have in the future



# Performance Measures: Probation

Sector	Average daily population
Probation	68,500
Prison	15,000
PreTrial Supervision	13,000
Jail	12,000
Diversion	10,000
Parole	9,300
Community Corrections	3,000
Total	130,800

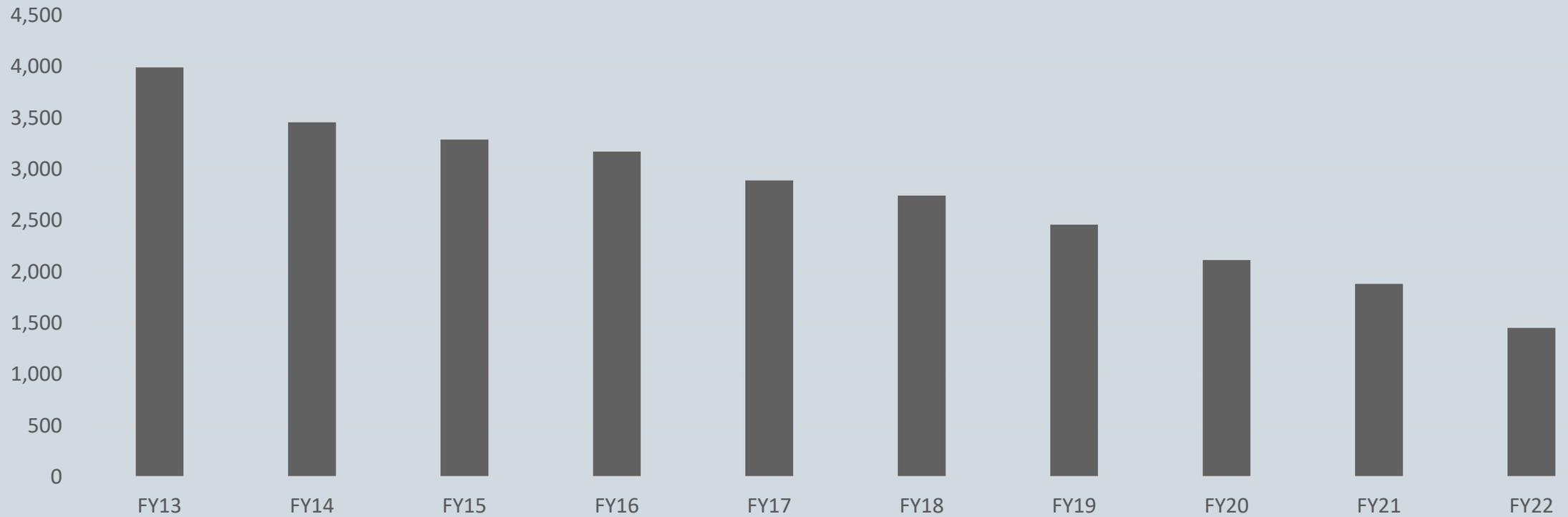
# Justice involved people in Colorado

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# Success Rates: all probationers

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Juvenile Probation Population Shrinking

# Probation recidivism rate

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New deferred agreement, adjudication or conviction while under supervision or within one year of release from probation

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Adult post-release recidivism 5.9%

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Juvenile post-release recidivism 8%



# FY24 Budget Request

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# Staff salaries

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- Support the 5% salary increase
- Trial court staff experience a 20% turnover rate in FY22
- Shortages cause employees to work longer hours, increasing the chance of exhaustion and burnout
- Turnover increases demands on training staff



# Human Resources

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- Human resources staff operating at 75% staffing level
- Budget request would request coverage for each analyst from 667 employees to 444 employees
- \$640,145, 6.0 FTE



# Workplace Culture Initiative

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- Modernizing HR
- Organizational ombuds
- IDEA focus
- Overhaul training programs
- Request begins in FY23, in FY24: \$722K, 7.0 FTE

# Organizational Ombuds

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Modeled after International Association of Ombuds  
Standards of Practice and Code of Ethics

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Independent, Confidential, Impartial, Informal

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A charter will define the position

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Similar to organizational ombuds at CU, CSU, and DPS

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Bolsters formal reporting systems

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Improves employee satisfaction

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Some critical issues need to be worked out

## Contract interpreter rate increase

- Nearly 82,000 events with language access last year
- Nearly 76,000 of those events were Spanish
- Competition for interpreters growing with emergence of virtual work in various industries
- \$10 per hour increase
- \$396K increase in FY23

# Judicial Education

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- Expanding our judicial education unit
- 2.0 FTE, \$210,00 in cash funds
- education for judges is essential for the judicial system to perform and uphold public trust and confidence

# Judicial Education

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- “To preserve judicial independence, the judiciary and judicial training institutions should be responsible for the design, content, and delivery of judicial training.”

– *The International Organization for Judicial Training*



## Weekend hearings

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- HB21-1280 requires hearing for defendants within 48 hours of arrest
- Successfully launched on schedule
- Caseload requires a third bond hearing officer location
- \$166K, 1.5 FTE in FY23, annualizes to \$439K, 5.8 FTE in FY24



# 2023 Legislative Agenda

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# Licensed Legal Paraprofessionals

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Licensed Legal Paraprofessionals

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Improves access to justice

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Court is considering a rule that would create low-cost professional help for parties in divorce and child support matters

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Roughly three-quarters of parties in domestic cases do not have attorneys

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Conforming statutory changes are needed

## Bridges program independence

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Report provided to JBC developed  
in collaboration with stakeholders

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Recommends the court liaison  
program, also known as Bridges,  
should be an independent agency

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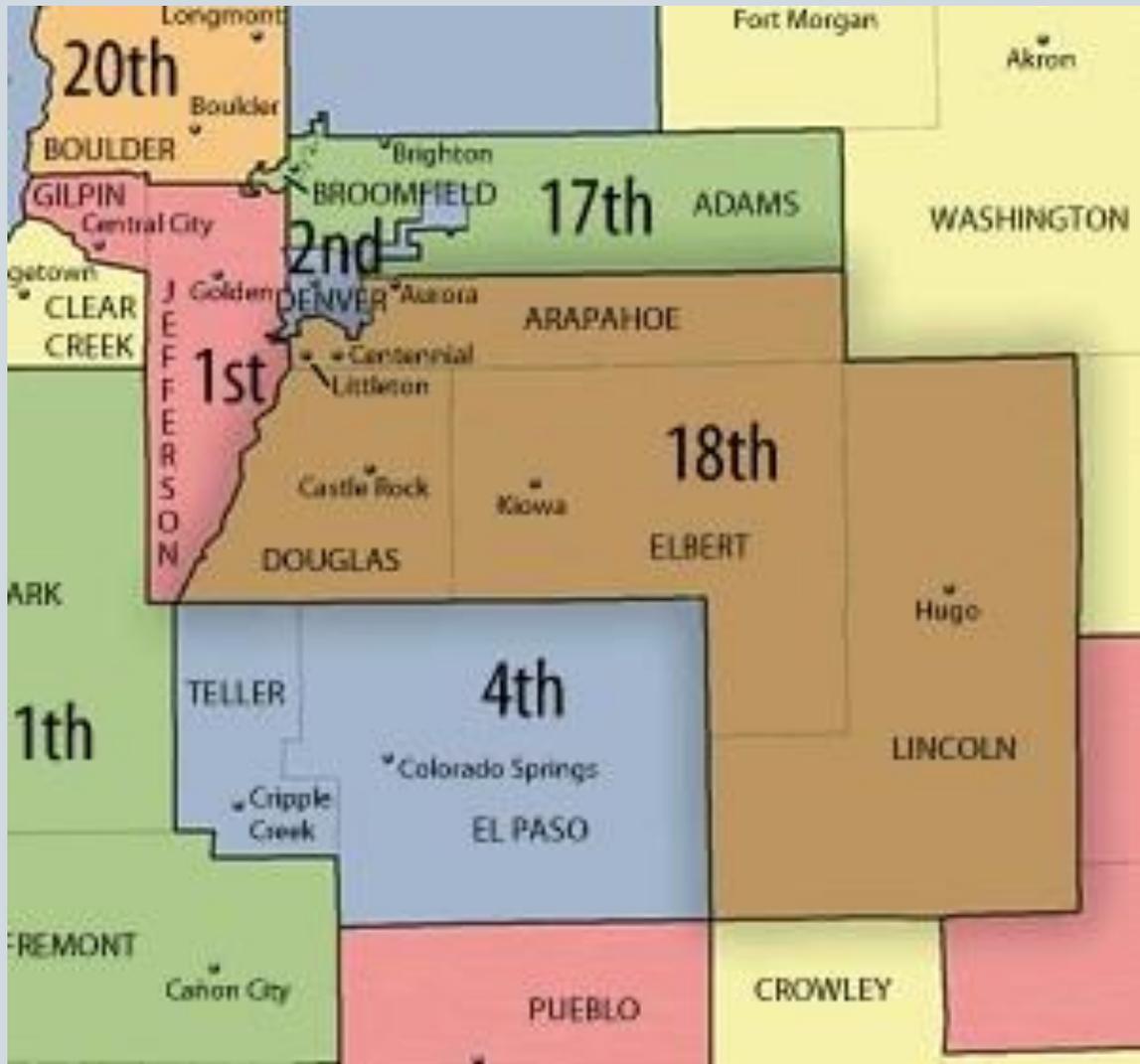
Bridges staff advocate for the best  
interests of the mental health of  
defendants



# Other issues

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# 23rd Judicial District

- HB20-1026
- Splits the 18<sup>th</sup> JD into two districts in 2025
- Arapahoe will remain the 18<sup>th</sup> JD
- Douglas, Elbert and Lincoln become the 23<sup>rd</sup> JD
- Four counties identified costs, included as part of our budget submission

## Racial bias in jury selection

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Criminal Rules Committee vote 8-4 to submit new proposal to amend Rule 24

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Deadline for comments January 25

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Deadline to sign-up for public hearing, January 31

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Public hearing at Supreme Court courtroom February 7 at 3:30 p.m.

## SB22-099 Record sealing

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HB21-1214 established a process requiring SCAO to automatically sealing records for drug convictions

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SB22-099 expanded the records that are eligible for sealing under the process established in 2021

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The process will require SCAO to begin sending records to DAs in Feb. 2024 to review before records automatically seal

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SCAO has begun planning and meeting with CDAC and is on schedule to comply

# Extreme Risk Protection Orders

	FY2020 (Jan-Jun)	FY2021	FY2022
Total Cases	63	118	123
TERPO Granted	39	71	77
TERPO Denied	11	33	27
ERPO Granted*	27	57	56
ERPO Denied *	5	14	17

\*An ERPO may be granted or denied with or without a TERPO being requested or granted previously.



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Thank You